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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,137	01/29/2001	Sokichi Nosaka		9546

7590 11/03/2003

WOOD, PHILLIPS, VAN SANTEN, CLARK & MORTIMER
SUITE 3800
500 WEST MADISON STREET
CHICAGO, IL 60661

EXAMINER

CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,137

Applicant(s)

NOSAKA ET AL.

Examiner

Marcus Charles

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 36-41 is/are pending in the application.
- 4a) Of the above claim(s) 21-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 36-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to the amendment filed 07-28-2003, which has been entered.

Claims 1-41 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto.

Matsumoto discloses a power transmission belt having a body (1), a length and exposed lateral side surfaces, the lateral surface of the belt is altered by a backing layer (4) attached thereto, and a marking (3) inscribed directly on the backing layer.

Matsumoto also discloses that the marking (3) can be directly provided on the lateral side surface of the belt (col. 4, lines 6-16). The lateral side of the belt includes a portion of the lateral spaced side surface of the belt. Note Matsumoto also discloses that the hiding layer maybe provided over the entire belt side surface, indicating that the making may be provided unto the belt-engaging portion (col. 4, lines 5-6).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto ('349, applicant's prior art) in view of JP('833, applicant's prior art).

Matsumoto does not disclose that the mark is formed by scribing. JP('833 discloses a method of produce a marking on the surface of a belt by scribing the surface with a laser beam with an angle of deflection and a scanning mirror (24) in order to prevent inadvertent displacement, removal or wearing of the marking during operation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lateral surface of the belt of Matsumoto so the side surface altered by providing a making with a laser beam with an angle of deflection and a scanning mirror in view of JP('833) in order to prevent inadvertent displacement, removal or wearing of the marking during operation.

5. Claims 3- 20, 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto in view JP('833) of as applied to claim 1 above, and further in view of Andrews et al.('994). Matsumoto and JP('833) disclose the claimed invention as in paragraph 4 above, but do not disclose the depth of the inscribed mark on the belt surface. Andrews et al. disclose an inscribed mark having a depth of 0.003 to 0.006 inches (which is within the range of 0.1mm-1mm) in order to prevent the marking from wearing out easily. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the depth of the inscribed mark of JP('833) to be within the specified range disclosed by Andrews et al. in order to prevent the marking from wearing out easily over a period of time.

In claim 6, note the belt of Matsumoto is a double V-ribbed belt (fig. 3).

Claims 7-41, the method steps are inherently included in Matsumoto in view of JP('833) device.

Response to Arguments

6. Applicant's arguments filed 07-28-2003 have been fully considered but they are not persuasive. In response to arguments filed regarding claims 1-20. Applicant contended that the amendment filed corresponds to the proposed changes as agreed upon in the interview on July 16, 2003. As examiner can recall, during the interview, it was agreed upon to amend the claims to include the marking extending from the surface of tension section unto the side surface of the tooth section of the belt that engages or in contact belt engaging surface of the pulley. In addition, the examiner proposes that the specification must be amended to include the unexpected result of this allowable feature of the claim amendment. Applicant did not make the amendment in view of the interview but simple provide an amendment without changing the scope of the claim. The new amendment seeks to broaden an already broadened claim.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


Marcus Charles
Primary Examiner
Art Unit 3682
October 31, 2003